

EXHIBIT A

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KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 25-2-11215-2 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

ROBERT CLARK, individually and on behalf
of all others similarly situated,

No.

Plaintiff,

CLASS ACTION COMPLAINT

V.

WHITEPAGES, INC, a Delaware corporation,

Defendant.

Plaintiff Robert Clark (“Plaintiff”) individually and on behalf of all others similarly situated, brings this Class Action Complaint for violations of Colo. Rev. Stat. § 6-1-304 (Colorado’s “Prevention of Telemarketing Fraud Act” or “PTFA”) against Defendant Whitepages, Inc (“Whitepages” or “Defendant”). Plaintiff makes the following allegations pursuant to his counsel’s investigation and based upon information and belief, except as to allegations specifically pertaining to himself, which are based on personal knowledge.

I. NATURE OF ACTION

1. On May 27, 2005, former Colorado Governor Bill Owens signed into law HB05-1288,¹ which amended the PTFA to prohibit commercially listing a cell phone number in a

¹ <https://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont2/1BB0D3E00348AC6987256F90007C20C7?Open>. See also https://leg.colorado.gov/sites/default/files/images/olls/2005a_sl_180.pdf.

1 directory, without permission.² See Colo. Rev. Stat. § 6-1-304(4)(a)(I).

2 2. This prohibition is designed to protect privacy. As former State Representative
 3 Mark Cloer,³ a prime sponsor of HB05-1288,⁴ stated in describing this new portion of the PTFA:
 4 “[m]ost people view their cell phones as private. They give out the number to friends and family
 5 and some colleagues. When their cell phone rings, they expect it to be important.”⁵

6 3. Indeed, concern over cell phone privacy is widespread. According to a research
 7 paper presented in May 2005 at the American Association for Public Opinion Research
 8 (AAPOR)’s Annual Conference⁶ and January 2006 at the American Statistical Association
 9 (ASA)’s Second International Conference on Telephone Survey Methodology:⁷

10 [T]here appears to be a strong reluctance on the part of cell phone owners to have
 11 their cell phone numbers listed in a directory. ...

12 This reluctance on the part of respondents to have their cell phone number listed in
 13 a directory may be rooted in not wishing to incur additional costs due to unsolicited
 incoming calls.

14 A more likely reason for their unwillingness to have their cell phone number listed
 15 is that respondents view the cell phone as more of a private medium of
 16 communication than their land-line phone. They probably wish to restrict access to
 17 their cell phone number to family and friends.⁸

18 4. The Colorado General Assembly enacted subsection (4) of the PTFA to address
 19 these privacy concerns and to protect cell phone users from the misappropriation of their personal
 20 information. This aligns with the PTFA’s overall purpose, as articulated by Colo. Rev. Stat. § 6-
 1-301:

21 The general assembly hereby finds, determines, and declares that the use of
 22 telephones for commercial solicitation is rapidly increasing; that this form of

23 ² <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/IndSumm/574E34C489356ADA87256FB100612E60?OpenDocument>. See also <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/91320994cb8e0b6e8725681d005cb995/574e34c489356ada87256fb100612e60?OpenDocument>.

24 ³ See <https://www.leg.state.co.us/clics2005a/directory.nsf>.

25 ⁴ <https://lawcollections.colorado.edu/colorado-session-laws/islandora/object/session%3A36205> at p. 2461. See also <https://www.leg.state.co.us/CLICS2005A/csl.nsf>StatusAll?OpenFrameSet>.

26 ⁵ <https://www.9news.com/article/news/local/politics/legislative-library-feb-23-2005/73-344789916>.

27 ⁶ <https://aapor.org/wp-content/uploads/2024/05/AAPORPrograms2005.pdf> at pp. 13, 84.

28 ⁷ https://scholar.google.com/citations?view_op=view_citation&hl=en&user=I2jkzr0AAAAJ&citation_for_view=I2jkzr0AAAAJ:M3ejUd6NZC8C; <https://ww2.amstat.org/meetings/tsmii/2006/index.cfm?fuseaction=main>.

29 ⁸ <http://www.asasrms.org/Proceedings/y2005/files/JSM2005-000345.pdf> at p. 4005.

1 communication offers unique benefits, but entails special risks and poses the
 2 potential for abuse; that the general assembly finds that the widespread practice of
 3 fraudulent and deceptive commercial telephone solicitation has caused substantial
 4 financial losses to thousands of consumers, and, particularly, elderly, homebound,
 5 and otherwise vulnerable consumers, and is a matter vitally affecting the public
 interest; and, therefore, that the general welfare of the public and the protection of
 the integrity of the telemarketing industry requires statutory regulation of the
 commercial use of telephones.

6. Colo. Rev. Stat. § 6-1-304(4) provides, in pertinent part:

7 (a) On or after September 1, 2005, a person commits an unlawful telemarketing
 8 practice if the person knowingly: (I) Lists a cellular telephone number in a directory
 9 for a commercial purpose unless the person whose number has been listed has given
 affirmative consent, through written, oral, or electronic means, to such listing[.]

10. Despite this abundantly clear proscription, Defendant has listed the cellular
 11 telephone numbers of thousands of Colorado residents in its for-sale and for-profit directories,
 12 without requesting (let alone actually receiving) affirmative consent to such listings.

13. Thus, while Defendant profits handsomely from its unauthorized commercial
 14 listing of Plaintiff's and other Class Members' personal information, it does so at the expense of
 15 Coloradans' statutory privacy rights, under the PTFA.

16. Not only is Defendant's misappropriation unlawful – it is also dangerous. The
 17 Federal Trade Commission's ("FTC") report on "Data Brokers" states:

18 There are a number of potential risks to consumers from data brokers' collection
 19 and use of consumer data. ... [T]hey may facilitate the sending of advertisements
 20 ... which some consumers may find troubling and which could undermine their
 trust in the marketplace. Moreover, ... people search products can be used to
 21 facilitate harassment, or even stalking, and may expose domestic violence victims,
 law enforcement officers, prosecutors, public officials, or other individuals to
 retaliation or other harm. [In addition, s]toring [d]ata [a]bout [c]onsumers
 22 [i]ndefinitely [m]ay [c]reate [s]ecurity [r]isks[.]⁹

23. Plaintiff brings this action to prevent Defendant from further violating the privacy
 24 rights of Colorado cell phone users and to recover statutory damages from Defendant, pursuant
 25 to Colo. Rev. Stat. § 6-1-305(1)(c).

26
 27 ⁹ <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. 48.

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2 II. PARTIES

3 10. Plaintiff Robert Clark is a resident and citizen of Colorado Springs, Colorado.
 4 Plaintiff's cellular telephone number was listed by Defendant in its directory, available at
 5 whitepages.com, to advertise and/or actually sell products and services. Defendant never
 6 requested – and Plaintiff never provided – affirmative consent, through written, oral, or electronic
 7 means, to such listing. In fact, Plaintiff has no relationship with Defendant whatsoever. Plaintiff
 8 had never heard of Defendant and had no reasonable ability to discover Defendant's use of his
 9 personal information until shortly before filing suit.

10 11. Defendant Whitepages, Inc is a Delaware corporation with its principal place of
 business at 2033 6th Avenue, Suite 1100, Seattle, Washington 98121. Defendant operates the
 12 directory whitepages.com. Therein, and for commercial purposes, Defendant has listed the
 13 cellular telephone numbers of thousands of individuals whom it knows to reside in Colorado.

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III. JURISDICTION AND VENUE

15 12. This Court has jurisdiction over this action pursuant to RCW 2.08.010.

16 13. This Court has personal jurisdiction over Defendant because it maintains its
 17 principal place of business in King County, Washington.

18 14. Venue is proper in this Court pursuant to RCW 4.12.025 because Defendant
 resides in King County, Washington.

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IV. FACTUAL ALLEGATIONS

20 **A. Overview of Defendant's Directory**

21 15. Defendant is a data broker – a company “that collect[s] consumers’ personal
 22 information and resell[s] or share[s] that information with others[.]”¹⁰

23 16. Specifically, Defendant provides online “people search” (also known as “people
 24 finder”) services. People search companies, like Defendant, specialize in compiling vast amounts

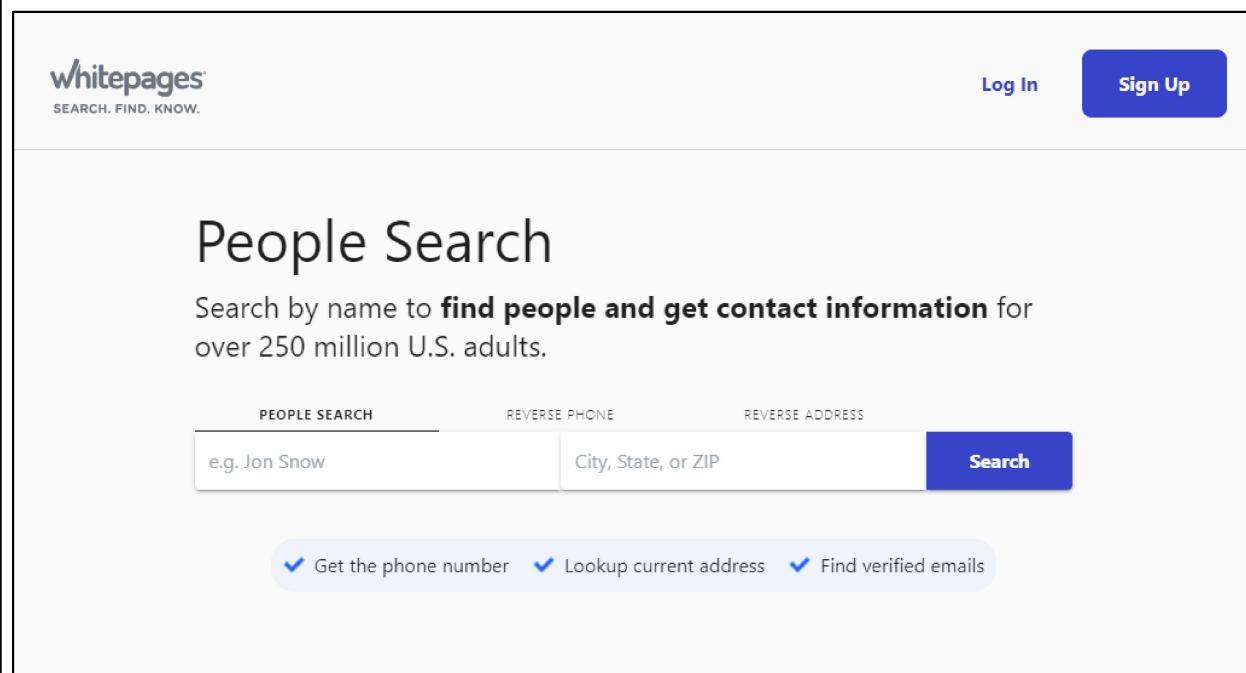
25
 26 ¹⁰ <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. i.

1 of information about individuals from various sources.¹¹

2 17. Defendant and its competitors monetize said personal details through their
 3 directories – some of which are ad-supported and give users free access to the data, and others of
 4 which furnish reports about people for a fee.

5 18. Defendant's directory is available at whitepages.com. There, anyone on the
 6 Internet can view Coloradans' "verified phone numbers, home addresses, email addresses,
 7 relatives, property records, background reports, and more."¹²

8 19. This is achieved by simply searching an individual by name, city, state, phone
 9 number, address, and/or other parameters:¹³



The screenshot shows the Whitepages People Search homepage. At the top, there is a navigation bar with the Whitepages logo, a search bar, and buttons for "Log In" and "Sign Up". Below the navigation, the main heading "People Search" is displayed. A sub-headline states: "Search by name to **find people and get contact information** for over 250 million U.S. adults." There are three search input fields: "PEOPLE SEARCH" (containing "e.g. Jon Snow"), "REVERSE PHONE" (containing "City, State, or ZIP"), and "REVERSE ADDRESS". A large blue "Search" button is positioned to the right of the address field. Below the search inputs, there is a row of three checkboxes with labels: "Get the phone number", "Lookup current address", and "Find verified emails".

20. Users of whitepages.com can also find people listed by last name and city (i.e.,
 21 those with the surname of "Anderson" in Denver):¹⁴

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23 //

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 26 ¹¹ <https://consumer.ftc.gov/articles/what-know-about-people-search-sites-sell-your-information>.

27 ¹² <https://www.whitepages.com/people-search>.

¹³ *Id.*

¹⁴ <https://www.whitepages.com/white-pages/denver-co/a>.

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whitepages[®]
SEARCH. FIND. KNOW.
PEOPLE
PHONE
ADDRESS

SEARCH

[Log In](#)
[Sign Up](#)

Popular last names starting with A in Denver, CO

Home > White Pages > Colorado > Denver > A

Anderson	Allen	Adams	Aguilar	Alvarez
Archuleta	Aragon	Alexander	Alvarado	Acosta
Avila	Aguirre	Arellano	Armstrong	Abeyta
Apodaca	Andrade	Ayala	Andrews	Arnold
Al	Ali	Acevedo	Austin	Armijo
Atencio	Armendariz	Arroyo	Ahmed	Amaya
Anaya	Arreola	Avalos	Arguello	Arias

21. After entering this information, a whitepages.com user is furnished a list of search results. Each result corresponds to an actual person that Defendant has located who matches the searched parameters.¹⁵

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in [REDACTED] 1000+ people found

Find [REDACTED] current address in [REDACTED] phone number and email. Contact information for people named [REDACTED] found in [REDACTED] ... more

AGE	[REDACTED]	[REDACTED]	View Full Report
MAY GO BY	[REDACTED]	[REDACTED]	
ADDRESSES	[REDACTED]	[REDACTED]	
RELATED TO	[REDACTED]	[REDACTED]	
EMAIL	[REDACTED]	[REDACTED]	

[Phone](#) | [Address](#) | [Email](#)

AGE	[REDACTED]	[REDACTED]	View Full Report
MAY GO BY	[REDACTED]	[REDACTED]	
ADDRESSES	[REDACTED]	[REDACTED]	
RELATED TO	[REDACTED]	[REDACTED]	
EMAIL	[REDACTED]	[REDACTED]	

[Phone](#) | [Address](#) | [Email](#)

¹⁵ Note, in this image of whitepages.com's search results, Plaintiff's counsel has redacted certain sensitive personal information (black portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

1 22. Upon selecting a particular person to investigate from the search results, a
2 whitepages.com user can access a free, limited preview of Defendant's paid, full background
3 reports. Whitepages.com free, limited previews include searched individuals' cell phone
4 number(s) and a plethora of other identifying information.¹⁶

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¹⁶ Note, in this image of whitepages.com's free, limited preview, Plaintiff's counsel has redacted certain sensitive personal information (blue portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

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The screenshot shows a web interface for a background check service. At the top, there are tabs for 'PEOPLE SEARCH', 'PHONE', and 'ADDRESS'. Below the tabs, there are search fields for 'Name' and 'Address', a magnifying glass search icon, and buttons for 'Log In' and 'Sign Up'. A navigation bar indicates 'People Search > [REDACTED]'. There is a 'Monitor' button with a bell icon. A 'Age Range' section shows a date range from '1980-01-01' to '1980-01-01'. Below this, a link says 'Get [REDACTED]'s Background Report' with a summary of records: 0 Criminal & Traffic, 0 Public, 3 Property, 0 More. A blue button labeled 'View Background Report' is present.

Contact Info:

Get [REDACTED]'s Contact Info

- Landlines: (9) [REDACTED] See 3 More >
- Cell Phones: (7) [REDACTED] **(7) [REDACTED]** See 2 More >
- Emails: [REDACTED]@hotmail.com See 2 More >

View [REDACTED]'s Contact Info

[REDACTED] is currently in their 50s. Relatives and family members of [REDACTED] include [REDACTED] currently resides at [REDACTED] in a single family. ...more

Phone Numbers for [REDACTED] 9

We found 9 verified phone numbers for [REDACTED]. Phone numbers include both cell phones and landlines.

Cell Phones (3)

- ✓ PRIMARY (7) [REDACTED]
- (7) [REDACTED]

Landlines (4)

- ✓ PRIMARY (9) [REDACTED]
- (7) [REDACTED]

Other (2)

- ✓ PRIMARY (9) [REDACTED]
- (9) [REDACTED]

View Phone Numbers

Addresses for [REDACTED] 10

We found 10 home addresses for [REDACTED]. Address may include current or past addresses and owned properties.

CURRENT

1 23. Defendant also makes available paid, full background reports that do not redact or
 2 blur searched individuals' sensitive personal information whatsoever – including cell phone
 3 numbers. Instead, they offer a comprehensive view into said individuals' private details.¹⁷

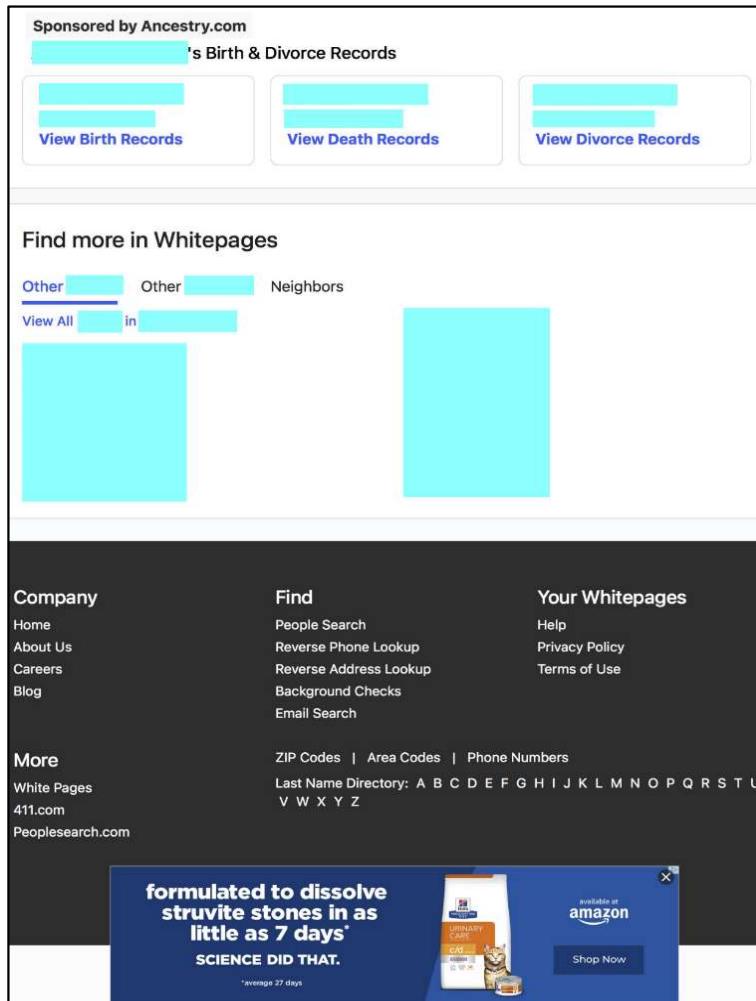
4 [REDACTED] AGE [REDACTED] LOCATION [REDACTED]
 5 May also be known as [REDACTED]
 6 Monitor [REDACTED] Criminal records Some Legal Troubles Foreclosures Married
 7 Phone Numbers 7 Addresses 6 Relatives & Associates 16 Criminal Records 4 Traffic Records 4 >
 8 **Phone Numbers**
 9 LANDLINES (4) PRIMARY [REDACTED] Show 2 More
 10 CELL PHONES (4) PRIMARY [REDACTED] Show 2 More
 11 OTHER (1) [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 Addresses 1 NEW
 21 Zackary has 1 current address and 5 previous addresses.
 22 PRIMARY NEW OWNER PRIMARY RENTER
 23 [REDACTED] Map [REDACTED] Map

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 27 ¹⁷ Note, in this image of whitepages.com's paid, full background report, Plaintiff's counsel has redacted certain sensitive personal information (black portions).

1 24. As the above images of whitepages.com make clear, Defendant knowingly lists
 2 Coloradans' cell phone numbers. On whitepages.com, Defendant states: "We found [] verified
 3 phone numbers for [a particular person]. Phone numbers include both cell phones and landlines."
 4 Defendant encourages users to "View Cell Phone Numbers[.]". And Defendant does, in fact,
 5 provide phone numbers for what it correctly labels "Cell Phones."

6 25. The purpose behind listing individuals' personal information – including cell
 7 phone numbers – on whitepages.com is twofold.

8 26. First, listing said information helps Defendant generate ad revenue. Defendant
 9 advertises how pages are "Sponsored by Ancestry.com" (which, on information and belief, pays
 10 Defendant for that distinction), and Defendant advertises other third-parties' products and
 11 services (here, pet food being sold on Amazon).



1 27. Second, listing said information helps Defendant entice users to acquire access to
 2 Defendant's paid, full background reports.

3 28. To acquire a full background report from Defendant, a whitepages.com user can
 4 either (a) pay a one-time fee of \$11.99 for a single report or (b) pay a monthly subscription fee
 5 ranging from \$5.99 per month to \$109.99 per month:¹⁸

Plan	Price	Inclusions
Premium Contact Info	\$5.99/mo	Contact info, including all phones & addresses
Premium Business	\$9.99/mo	Complete contact info, including all emails, phones & addresses PLUS time-saving tools
Premium Business Enterprise	\$109.99/mo	500 contact info lookups, including all emails, phones & addresses PLUS time-saving tools
Background Report	\$11.99/once	Complete contact info PLUS property, criminal & public records

19 29. Users can also access a 5-day trial membership for \$1:

whitepages PREMIUM

SPECIAL OFFER

5-day Trial Membership \$1

- Complete contact info
- All phones, emails, addresses, and property info

27 18 <https://www.whitepages.com/checkout/pricing>.

1 30. Thus, the listing of Plaintiff's and Class Members' cell phone numbers is for a
 2 commercial purpose. Indeed, that is Defendant's entire business model. Defendant is literally
 3 selling Plaintiff's and Class Members' cell phone numbers and accompanying information to its
 4 customers and subscribers.

5 **B. Defendant's Conduct Harms Coloradans**

6 31. Consumer data is key to the \$26 billion-per-year online advertising industry in the
 7 United States.¹⁹ Clearly, and per the FTC, consumer data possesses inherent monetary value:

8 Most consumers cannot begin to comprehend the types and amount of information
 9 collected by businesses, or why their information may be commercially valuable.
 10 Data is currency. The larger the data set, the greater potential for analysis – and
 11 profit.²⁰

12 32. In fact, individuals' private information has become such a valuable commodity
 13 that companies now offer individuals the opportunity to monetize their personal data.²¹

14 33. These companies' business models capitalize on a fundamental principle
 15 underlying the modern information marketplace: Consumers recognize the economic value of
 16 their private data. Along these lines, research shows that consumers are willing to pay a premium
 17 to purchase services from companies that adhere to more stringent policies of protecting their
 18 data.²² A 2014 survey conducted by Harris Interactive on behalf of TRUSTe, Inc. showed that 89
 19 percent of consumers avoid doing business with companies who they believe do not protect their
 20

21¹⁹ <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

22²⁰ https://www.ftc.gov/sites/default/files/documents/public_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf at p. 2.

23²¹ See, e.g., <https://www.washingtonpost.com/technology/2023/02/06/consumers-paid-money-data/>;
<http://www.nytimes.com/2012/02/13/technology/start-ups-aim-to-help-users-put-a-price-on-their-personal-data.html>; <https://techcrunch.com/2023/08/16/caden-lands-15m-to-let-users-monetize-their-personal-data/>;
<https://www.theverge.com/2019/6/11/18661595/facebook-study-app-monitor-phone-usage-pay>;
<https://sifted.eu/articles/gener8>; <https://www.theverge.com/2012/2/8/2785751/google-screenwise-panel-web-monitoring-knowledge-networks>; <https://www.sidehustlenation.com/get-paid-for-your-data/>;
<https://millennialmoneyman.com/get-paid-for-your-data/>.

24²² See, e.g., <https://web.archive.org/web/20240420201259/https://www.enisa.europa.eu/publications/monetising-privacy/@@download/fullReport>; <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=8b70320d110370c82ca9cbab768db58b74878234>.

1 privacy.²³ The same is true for 80 percent of smartphone users, who say that they avoid using
 2 smartphone apps that they don't believe protect their privacy.²⁴

3 34. Defendant's misappropriation of Coloradans' cell phone numbers undeniably
 4 deprives state residents of the ability to enjoy their PTFA privacy rights. It also deprives them of
 5 the real, quantifiable value of such data.

6 35. Further, “[p]eople search sites … offer a wealth of information that can be
 7 exploited by malicious actors.”²⁵ For one, “[b]undling [personal data] all together and making it
 8 so easily accessible can … put ordinary people at risk of … stalking and other forms of
 9 harassment.”²⁶ Second, people search sites’ “comprehensive data allows cybercriminals to build
 10 detailed profiles of potential victims, making it easier to craft convincing scams or carry out
 11 identity theft.”²⁷ This “put[s] almost anyone within the reach of fraudulent telemarketers[]” and
 12 other wrongdoers.²⁸

13 36. Information disclosures like Defendant's are particularly dangerous to the elderly.
 14 “Older Americans are perfect telemarketing customers, analysts say, because they are often at
 15 home, rely on delivery services, and are lonely for the companionship that telephone callers
 16 provide.”²⁹ The FTC notes that “[t]he elderly often are the deliberate targets of fraudulent
 17 telemarketers who take advantage of the fact that many older people have cash reserves or other
 18 assets to spend on seemingly attractive offers.”³⁰

19 37. Making matters worse, “[o]nce marked as receptive to [a specific] type of spam, a
 20 consumer often is bombarded with similar fraudulent offers from a host of scam artists.”³¹

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 23 ²³ See https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714_ConsumerConfidenceReport_US1.pdf at p. 3.

24 ²⁴ *Id.*

25 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

26 https://innovation.consumerreports.org/Data-Defense_-Evaluating-People-Search-Site-Removal-Services-.pdf.

27 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

28 <http://www.nytimes.com/2007/05/20/business/20tele.html>.

29 ²⁹ *Id.*

30 https://www.ftc.gov/sites/default/files/documents/public_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf at p. 1.

31 ³¹ *Id.* at p. 3.

V. CLASS ALLEGATIONS

38. Pursuant to CR 23, Plaintiff seeks to represent a class defined as all Colorado residents whose cell phone numbers were listed on whitepages.com (the “Class”).

39. Plaintiff reserves the right to modify the Class definition, including by using subclasses, as appropriate based on further investigation and discovery obtained in the case.

40. **Numerosity:** The Class is composed of at least thousands of individuals, the joinder of which in one action would be impracticable. The disposition of their claims through this class action will benefit both the parties and the Court.

41. **Existence and Predominance of Common Questions of Fact and Law:** There is a well-defined community of interest in the questions of law and fact involved affecting the members of the proposed Class. The questions of law and fact common to the proposed Class predominate over questions affecting only individual Class Members. Such questions include, but are not limited to, the following: whether Defendant violated Colo. Rev. Stat. § 6-1-304(4)(a)(I); and whether Plaintiff and Class Members are entitled to damages, reasonable attorneys' fees, pre-judgment interest and costs of this suit, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

42. **Typicality:** The claims of the named Plaintiff are typical of the claims of the Class because Plaintiff, like all other Class Members, had his cell phone number listed on whitepages.com for a commercial purpose; Defendant did so without requesting or receiving Plaintiff's affirmative consent (through written, oral, or electronic means); and Defendant's misappropriation of Plaintiff's personal data (including the economic value thereof) came at the expense of Plaintiff's PTFA privacy rights.

43. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

44. Superiority: The class mechanism is superior to other available means for the fair

1 and efficient adjudication of the claims of Class. Each individual Class Member may lack the
 2 resources to undergo the burden and expense of individual prosecution of the complex and
 3 extensive litigation necessary to establish Defendant's liability. Individualized litigation increases
 4 the delay and expense to all parties and multiplies the burden on the judicial system presented by
 5 the complex legal and factual issues of this case. Individualized litigation also presents a potential
 6 for inconsistent or contradictory judgments. In contrast, the class action device presents far fewer
 7 management difficulties and provides the benefits of single adjudication, economy of scale, and
 8 comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment
 9 of the liability issues will ensure that all claims and claimants are before this Court for consistent
 10 adjudication of the liability issues. Finally, Defendant has acted or refused to act on grounds
 11 generally applicable to the entire Class, thereby making it appropriate for this Court to grant final
 12 injunctive relief and declaratory relief with respect to the Class as a whole.

13 **VI. CAUSE OF ACTION**

14 **COUNT I**

15 **VIOLATION OF THE PREVENTION OF TELEMARKETING FRAUD ACT,** COLO. REV. STAT. § 6-1-304(4)(I)

16
 17 45. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

18 46. Plaintiff brings this claim individually and on behalf of the members of the
 19 proposed Class against Defendant.

20 47. Colo. Rev. Stat. § 6-1-304(4) provides:

21 (a) On or after September 1, 2005, a person commits an unlawful telemarketing
 22 practice if the person knowingly: (I) Lists a cellular telephone number in a directory
 23 for a commercial purpose unless the person whose number has been listed has given
 affirmative consent, through written, oral, or electronic means, to such listing[.]

24 48. Defendant failed to comply with this PTFA mandate.

25 49. Defendant knowingly lists Coloradans' cell phone numbers. On whitepages.com,
 26 Defendant states: "We found [] verified phone numbers for [a particular person]. Phone numbers
 27 include both cell phones and landlines." Defendant encourages users to "View Cell Phone

1 Numbers[.]” And Defendant indeed provides phone numbers for what it correctly labels “Cell
 2 Phones.”

3 50. Defendant’s website, whitepages.com, is a directory – i.e., an “electronic resource
 4 containing lists of information, usually in alphabetical order, for example people’s phone numbers
 5 or the names and addresses of businesses in a particular area[.]”³² Defendant admits as much,
 6 referring to whitepages.com as a “directory service”;³³ advertising that it offers “the most accurate
 7 online directory of contact information”;³⁴ and titling pages with the word “directory.”³⁵

8 51. Defendant engages in this conduct for a commercial purpose. The purpose behind
 9 listing individuals’ personal information – including cell phone numbers – on whitepages.com is
 10 to generate ad revenue and entice users to acquire access to Defendant’s paid, full background
 11 reports.

12 52. Defendant never requests nor receives Coloradans’ “affirmative consent, through
 13 written, oral, or electronic means, to such listing[.]” Colo. Rev. Stat. § 6-1-304(4)(a)(I). Rather,
 14 Defendant lists the cell phone numbers of Coloradans it has never engaged with, has had no
 15 connection to, and who are unaware of its existence.

16 53. Defendant’s misappropriation of Class Members’ personal data (including the
 17 economic value thereof) came at the expense of Class Members’ PTFA privacy rights. It deprived
 18 Class Members of the real, quantifiable value of such data. And it exposed Class Members to
 19 elevated risks of stalking, harassment, scams, identity theft, and unwanted telemarketing.

20 54. Thus, on behalf of himself and the Class, Plaintiff seeks: (1) declaratory relief; (2)
 21 injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class; (3)

22
 23 ³² *Directory*, Oxford Learner’s Dictionary, <https://oxfordlearnersdictionaries.com/us/definition/english/directory>.
 24 See also *Directory*, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/directory>
 25 (“an alphabetical or classified list (as of names and addresses)[.]”); *Directory*, Cambridge Essential American English
 26 Dictionary, <https://dictionary.cambridge.org/us/dictionary/essential-american-english/directory> (“a book or list of
 27 names and numbers”); *Directory*, AllWords.com Multi-Lingual Dictionary, <https://www.allwords.com/word-directory.html> (“A list of names, address etc., of specific classes of people or organizations, often in alphabetical
 28 order or in some classification.”).

³³ <https://www.whitepages.com/privacy>.

³⁴ <https://www.whitepages.com/reverse-phone>.

³⁵ See, e.g., <https://www.whitepages.com/white-pages/denver-co>; <https://www.whitepages.com/directory/name>.

1 damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three hundred dollars and not
 2 more than five hundred dollars for each first offense, and at least five hundred dollars and not
 3 more than one thousand dollars for each second or subsequent offense; and (4) reasonable
 4 attorneys' fees and other litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

5 **VII. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff on behalf of himself and the proposed Class, respectfully
 7 requests that this Court enter an Order:

8 55. Certifying this case as a class action on behalf of the Class defined above,
 9 appointing Plaintiff as the representative of the Class, and appointing Plaintiff's counsel as Class
 10 Counsel;

11 56. Declaring that Defendant's actions, as set out above, violate Colo. Rev. Stat. § 6-
 12 1-304(4)(a)(I) (Colorado's "Prevention of Telemarketing Fraud Act" or "PTFA");

13 57. Awarding damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three
 14 hundred dollars and not more than five hundred dollars for each first offense, and at least five
 15 hundred dollars and not more than one thousand dollars for each second or subsequent offense;

16 58. Awarding injunctive and other equitable relief as is necessary to protect the
 17 interests of the Class, including, *inter alia*, an Order requiring Defendant to comply with the
 18 PTFA;

19 59. Awarding Plaintiff and the Class their reasonable attorneys' fees and other
 20 litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c);

21 60. Awarding Plaintiff and the Class pre- and post-judgment interest, to the extent
 22 allowable; and

23 61. Awarding such other and further relief as equity and justice may require.

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1 Dated: April 10, 2025

Respectfully submitted,

2 **EMERY REDDY PLLC**

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